

IN THE SENATE

SENATE BILL NO. 1284

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO LIABILITY TO LAND OWNERS OFFERING MOTORCYCLE, MOTOR-DRIVEN CYCLE OR OFF-HIGHWAY VEHICLE INSTRUCTION CLASSES; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 6, IDAHO CODE, TO DEFINE TERMS AND TO PROVIDE CONDITIONS WHEN AN OWNER OF LAND WHERE MOTORCYCLE INSTRUCTION, MOTOR-DRIVEN CYCLE INSTRUCTION OR OFF-HIGHWAY INSTRUCTION IS GIVEN TO A STUDENT SHALL BE LIABLE FOR DAMAGES OR INJURIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 30, Title 6, Idaho Code, and to read as follows:

CHAPTER 30

LIABILITY TO LAND OWNERS OFFERING MOTORCYCLE,  
MOTOR-DRIVEN CYCLE OR OFF-HIGHWAY VEHICLE INSTRUCTION CLASSES

6-3001. DEFINITIONS. As used in this chapter:

(1) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground that meets the federal motor vehicle safety standards as originally designed, and includes a converted motorbike, but does not include a motor-driven cycle, a motorbike, a tractor or a moped.

(2) "Motor-driven cycle" means a cycle with a motor that produces five (5) brake horsepower or less as originally manufactured that meets federal motor vehicle safety standards as originally designed, and does not include mopeds. Such vehicle shall be titled and a motorcycle endorsement is required for its operation.

(3) "Off-highway vehicle" means an all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in section 67-7101, Idaho Code.

(4) "Student" means an individual taking instruction on operating a motorcycle or motor-driven cycle on land or property owned by the person or entity providing the instruction.

6-3002. OWNERS OF LAND WHERE INSTRUCTION ON THE USE OF MOTORCYCLES, MOTOR-DRIVEN CYCLES OR OFF-HIGHWAY VEHICLES EXEMPT FROM LIABILITY -- EXCEPTION. Notwithstanding any other provision of law, an owner of land where instruction is given on operating a motorcycle, motor-driven cycle or off-highway vehicle shall not be liable to a student taking instruction on the operation of a motorcycle, motor-driven cycle or off-highway vehicle for damages or injuries to the student or the student's property arising from the condition of the land where the instruction on the operation of a motorcycle, motor-driven cycle or off-highway vehicle is conducted unless the damage or

1 injury is caused by the gross negligence, recklessness or intentional mis-  
2 conduct of the owner of the land where the instruction on the operation of a  
3 motorcycle, motor-driven cycle or off-highway vehicle is conducted.